

**TOWN OF ASHBURNHAM**  
**JOINT MEETING OF THE BOARD OF SELECTMEN**  
**AND THE ADVISORY BOARD - MINUTES**  
**NOVEMBER 3, 2008 – 7:00 PM**  
**FAIRBANKS MEMORIAL TOWN HALL - UPSTAIRS**  
*As Amended*

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This meeting was aired live on local cable television Channel 8.

PRESENT: Chris Gagnon, Chair, Jonathan Dennehy, Member and Maggie Whitney, Clerk, Kevin Paicos, Town Administrator and Sylvia Turcotte, Assistant to the Town Administrator. Members of the Advisory Board who were present: Bill Johnson, Dottie Munroe, Belden Divito, James Piedrafite and Leo Janssens.

**I. APPROVAL OF AGENDA**

Gagnon read the agenda with an addition to New Business of the Veterans Day Services. Whitney motioned to approve the agenda as amended and was seconded by Dennehy. Motion carried.

**II. PRESENTATIONS, REPORTS & CORRESPONDENCE**

**A. Correspondence**

- a. Memo from Ashburnham-Westminster Rotary Club re: Municipal Planning Project  
Gagnon explained the memo (attached) received by the Board from the Rotary Club and expressed his thanks.
- b. Letter from DCR (Department of Conservation and Recreation) re: Conservation Restriction intent on Fitchburg Road (attached)  
Gagnon announced the intent as requested and noted that he would sign the paperwork to be returned to DCR.

**B. Town Administrator's Update**

Paicos noted that he met with the Auditor on the FY08 Audit that day along with the Town Accountant, Treasurer and Collector and that Chairman Gagnon also sat in on this meeting. He stated that the auditor had a lot of changes he agreed to and that the audit would be available the following week. He suggested that they bring the auditor in for the November 17<sup>th</sup> meeting and that they would want an extensive discussion so they probably shouldn't clutter the agenda for that meeting. He noted that the Town Accountant would also be in attendance at this meeting.

Paicos touched on his TA Report noting that he recently received the January 1<sup>st</sup> employee contributory health insurance rates which would be only a 6% increase, adding that they had budgeted for a 10% increase. He stated that this was really good news and that he gave credit to the School District for this low increase.

Paicos also noted that the Special Town Meeting warrant was posted on Thursday and that the briefing book would be ready by next week. He added that by November 17<sup>th</sup>,

they would need to finalize the December 3<sup>rd</sup> STM warrant. Paicos stated that there would be two budget articles on this warrant and that he would get this warrant out to everyone later in the week. He also noted that if there was no objection by the Board he would add an article on an easement for Proctor Street to this warrant.

Paicos noted that the Federal Government has asked cities and towns to submit projects that might be included in their economic stimulus plan. He stated that the DPW Director has sent in a number of projects for Ashburnham and that he would follow up with Congressman Olver on the outcome.

Paicos also announced that the DOR would be coming in to begin the Financial Management Study next Monday and they are requesting to meet with the finance team. They have also stated that on another day they would come in to interview others but that they would schedule that date.

Paicos stated that the DOE (Department of Education) had sent a letter noting that they were aware that no school budget had been set yet but that they were looking for input. He noted that his suggestion is to respond that everyone is well prepared and that we don't anticipate any problem funding the **\$155,887** so there was no need for any action or help on their part. He stated that if we respond in writing to this effect he is confident they would back off. Gagnon offered to draft the letter to the DOE in response.

Jeff Lawrence stated that he had confirmed the auditorium at Oakmont was all set for the November 13<sup>th</sup> Special Town Meeting and that from 5:00 to 7:00 p.m. there would be a spaghetti supper in the cafeteria and babysitting service would also be available for parents while they are attending the STM.

#### **C. Public Safety Building Committee Update**

Gagnon stated that they are ready for the final permanent inspection and that the project is slowly coming to a close.

#### **D. Chairman's Report**

Gagnon noted that at the recent meeting of the AWCATV he was asked about a permanent meeting spot here at the Town Hall, as they were aware of the sound problems in the upstairs meeting room. He stated that they may have funds in their budget to install permanent speakers in the meeting room that would help with this problem.

Johnson noted that this meeting room is cold and is also very expensive to heat. He suggested meeting at the Public Safety Building in the training room. Gagnon stated that right now the live drop hasn't been installed there yet and Comcast is behind in installations. A short discussion followed and it was decided to continue to have the meetings in the upstairs meeting room at Town Hall and to go forward with the plans to install the permanent speakers.

A discussion followed on the Cushing Trust and the use of the funds.

Dennehy inquired why the funds could not be used and Paicos stated that even if it's voted at Town Meeting to close this trust the funds may not be available.

Gagnon explained the Cushing Trust fund and noted that this could be dissolved by any Town Meeting by a 2/3 vote and that it has been sitting around for the past 52 years. He noted that he understands that everyone is disappointed that these funds can't be used but he did add that it could be used in the future for school capital funding, but not now as the school is using E&D funds for their capital projects at this time.

Dennehy noted that the Capital Planning Committee had their first meeting and Ed Vitone was voted as the Chair. He stated that they would issue a preliminary plan for the spring Town Meeting and that it would make sense to incorporate the Cushing Trust into the plan to use for the School District. He added that he would like to propose that they use these funds in the spring in a better comprehensive plan.

Gagnon then stated that he had a good candid conversation with the Town Accountant, Jim Shanahan and that Jim offered his services until someone was hired to replace him. He said he would be happy to help. Gagnon added that he thought this was very nice of him to offer.

### III. OLD BUSINESS

#### A. Continued discussion and vote on sale of Lake Watatic land

Dennehy stated that he had discussions with the Treasurer, Donna in the Assessors office, Jim Coppolla and Mark Zekos on the auction and they came up with a proposed plan. He stated that Zekos was available on two dates, November 25<sup>th</sup> and December 3<sup>rd</sup>. Coppolla stated that the legal notices could not be done that quickly and Zekos agreed that the best date would be December 3<sup>rd</sup>. Dennehy noted that there were many things to consider with the auction on the same day as the Special Town Meeting, but that it seems like December 3<sup>rd</sup> is the best date. He also stated that Anne Cervantes and Donna Burton were doing a lot of work behind the scenes to get this ready. He stated that he was working on getting the land perked and surveyed and that according to the market analysis his wife did, the sale should provide some significant income. He added that he is working hard to get this done.

Dennehy stated that the Board needs to vote to name the Treasurer as the custodian of the property for the purposes of sale. Dennehy motioned to appoint Anne Cervantes, the Town Treasurer as the custodian of Map56, Parcel 52 for the purpose of tax title auction on December 3, 2008 at 2:00 p.m. Whitney seconded and the motion carried.

Gagnon stated that they appreciate all of Dennehy's efforts to take all of these extra steps to increase income to the Town. Dennehy stated that he believed if they present this parcel as a buildable lot they could get extra money to help with the budget crisis.

Paicos stated that he couldn't have done all that Dennehy had done and he appreciates all his hard work, which is free pro bono work. He added his thanks to Dennehy noting that he was very grateful.

## **B. Continued discussion on the Special Town Meeting Warrant**

Gagnon proceeded to read each article and asked if there were any questions before moving on to the next.

Articles 1-4 were read with no questions.

Article 5 – Gagnon stated that they could just pass over this article at town meeting if there were no prior year invoices at that time.

Article 6 – Paicos stated that this would be just a precautionary article. Dennehy stated that this could be a backup in case the auction doesn't work out. He also added that the location noted in the article was incorrect and that it should read Lake Shore Drive, not Lake Road.

Johnson stated that the Advisory Board would be meeting on Wednesday night on their recommendations. Gagnon noted that the Selectmen had not made their recommendations yet.

Whitney inquired about the possibility of selling the two parcels of land that they were thinking of donating to Habitat in order to help with the Town finances. Dennehy stated that it was probably time to think about another town wide land auction, maybe in the spring. He noted that the two parcels for Habitat were proposed by Eric Smith the Town Planner for Habitat and that he was presently looking into these in order to get an idea on the land before town meeting. Whitney stated that she researched the possible worth of these articles. Dennehy stated that the Town wasn't really giving these two parcels to Habitat but that the articles would give the authority to the Board of Selectmen to convey the land at their discretion and to issue an RFP. Paicos added that they wouldn't be able to sell these properties at an auction but they would have to RFP for the construction of affordable housing. He did note that they could decide differently later and rescind.

Whitney noted that there was some question on the So. School Street property which may have been given to the Council on Aging at one time. Paicos stated that the COA cannot hold title of this land, only the Town owns the title. He also stated that they may be non-buildable lots and if they are then he would urge them to hold off on donating. He did add that the lot on Ashby Road is not buildable.

Paicos stated that the Board of Selectmen needed to vote their recommendation on each article on the STM warrant.

Gagnon read each one and asked for a vote.

Articles 1-4 - Whitney motioned to recommend and was seconded by Dennehy.

Article 5 - was left open.

Article 6 - was left open.

Article 7 - was also left open.

Article 8 – Whitney motioned to recommend and was seconded by Dennehy.

Article 9 – Whitney motioned to not recommend and was seconded by Dennehy.

On Article 9, Paicos stated that he was not convinced on this funding and that he was concerned. He also stated that they need to nail down what % is as funded, hitting next year and that he needed the ratio of funding. He added that they would have to do something in the spring but not now.

Article 10 – Dennehy motioned to recommend and was seconded by Whitney.

Article 11 – Dennehy motioned to recommend and was seconded by Whitney.

Article 12 – Whitney motioned to recommend and was seconded by Dennehy.

Article 13 – was left open.

Article 14 – Dennehy motioned to recommend and was seconded by Whitney.

Article 15 – Whitney motioned to recommend and was seconded by Dennehy.

Article 16 – Dennehy motioned to recommend and was seconded by Whitney.

Article 17 – was left open.

Article 18 – was left open.

#### **C. Discussion on mailing warrant versus postcards for STM Warrants**

Paicos noted the savings in mailing postcards versus the actual warrants and how it was significant. Whitney motioned to go ahead with mailing postcards and having warrants available in the Town Clerk's office when requested and was seconded by Dennehy. Motion carried.

#### **D. Continued discussion – FY09 Budget Cuts**

Paicos began by reviewing his latest findings and new spreadsheet noting that right now the net deficit was \$218,773.

Paicos then went over the cut list he had prepared. He explained the vacation buyback, sick leave buyback, etc., which came to \$58,216. He added that by January 1, these employees would have accrued more sick and vacation time so this amount would change. He stated that he then may have to cut another 8-10 employees to get to the deficit amount. He stated that in other words, he would need to lay off 35 employees which makes no sense and added that it can't be done statutorily.

Paicos stated that he was basically back to square one and that he would start all over again, looking at the budget, but that he can't avoid lay-offs. He noted that he would look at FY10 and how many lay-offs would be needed then and he would turn over every rock to find more money. Gagnon suggested cutting street lights but it was noted there weren't many to cut.

Discussion followed on the list Paicos distributed and the Projected Revenue column numbers. Johnson mentioned the ConCom Agent being cut in hours noting that the Conservation Commission doesn't seem to want to help the Town. Paicos stated that they need to have a dialog with them and that they could find them amenable to discussion on a compromise as a lot more compromise is now necessary.

Paicos stated that he was worried revenues may not be at the forecasted amount. Johnson brought up the Professional Development accounts stating that they should be looked at as it may be viable and to also look at call wages & training. He also

mentioned the possibility of taking the \$30k from the insurance settlement to the Town and to put it in the Reserve Fund or the general budget.

Johnson noted that they could also look at the Stabilization Fund to transfer from which would buy some time. Paicos stated that he agreed that they were at that point. He stated that before that is done, he needed to be sure what personnel reductions would be correct to balance the FY10 budget. He noted that there is only \$70k in the Stabilization Fund and once that is taken, the Town will be left with no money. He also stated that the Auditor said that we are the only town he's seen with such low available funds. He added that it took the last 24 months to get to this point and it should have been reported much sooner.

Fran Lashua, a retired Town employee voiced his concerns regarding lay-offs in the DPW Department. He also noted that the DPW, Police and Fire are needed in the winter months more than ever.

Whitney voiced her concern about the Schedule A report being submitted on time. Paicos responded that he had directed the Accountant to spend his time in other areas before he leaves the Town's employ. He noted that the Schedule A doesn't need to be submitted in order to set the tax rate but that it may happen that it could be submitted on time.

Whitney inquired if the tax rate would be set on time and Paicos responded that with the potential sale of the Lake Watatic property, it may hold it up. He stated that the Town is getting three times more scrutiny right now but that he would talk to the DOR to let them know what the Town is doing with the sale of the land and this may be enough.

#### IV. NEW BUSINESS

##### **B. Approval of Town Accountant position ad**

Gagnon read the draft of the Town Accountant position ad. There was some discussion on the rate. Paicos noted that municipal accountants are valuable employees. Gagnon stated that they could advertise in the Beacon and Paicos noted that they had missed the deadline but they would advertise online in the MMA posting website and also in a few local papers.

Dr. Zapantis inquired if the override was successful, would all the lay-offs be off the table and Paicos stated that they would. Zapantis stated that they needed to put all their energy in getting this override passed. Gagnon stated that even with the override passing, there could still be lay-offs and Paicos stated that the devastating cuts would not occur if it passes.

Paicos stated that it was important to get the auditor to come in and meet with both boards before the override election.

Whitney asked if there was a question of Shanahan staying on as Town Accountant and Gagnon responded that he said he would focus on entries on a temporary basis until we

get someone in to replace him. He added that he thought this was a very generous offer.

Gagnon asked if the ad was okay as printed and Paicos asked how long the ad should be open as November 24<sup>th</sup> was listed as the deadline and would this be enough time. He stated that it would be placed in the local paper and also on the MMA website. It was determined that language would be added to state that the position would be left open until a qualified applicant was selected.

**C. Discussion of Liquor License Renewal**

Paicos stated that there was an establishment that was basically not open to the public and that they should either vote to not renew the liquor license or renew for less than a year or hold a revocation hearing. Gagnon stated that they would renew the license as it was “a good neighborly thing to do”. Gagnon also mentioned that the Board would be voting on all license renewals at their meeting on December 15<sup>th</sup>.

**A. Veterans Day Services**

Gagnon read the program for the Veterans Day services to be held on Tuesday, November 11<sup>th</sup> at 11:00 a.m. in front of Town Hall. He noted that the Town Hall would be closed on that day in observance of the holiday.

**V. APPROVAL OF MINUTES**

**A. October 6, 2008 – Joint Meeting w/Advisory Board**

Dennehy motioned to approve the minutes of the October 6, 2008 Joint Meeting with the Advisory Board and was seconded by Whitney. Motion carried.

**B. October 22, 2008 – Special Meeting**

Dennehy noted that he was not in attendance at this meeting. Whitney motioned to approve the minutes of the October 22, 2008 Special Meeting and was seconded by Gagnon. Motion carried.

**VI. SCHEDULE OF COMING EVENTS**

Gagnon announced the Veterans Day Program again and also noted that the State Election was Tuesday, November 4<sup>th</sup> at Briggs Elementary School from 7:00 a.m. to 8:00 p.m.

**VII. OTHER MATTERS**

Gagnon proceeded to read all the Town Clerk reminders as listed in the agenda. He announced that the next scheduled meeting of the Board of Selectmen and Advisory Board was Monday, November 17<sup>th</sup>.

Paicos stated that they would need to finalize the cut list at the November 17<sup>th</sup> meeting. It was noted that a joint meeting would be posted for 6:00 p.m. in the auditorium at Oakmont for both Boards to go over the cut list and the warrant articles one more time before the STM on November 13<sup>th</sup>.

There was some discussion on when the meeting could be scheduled with the Auditor and November 24<sup>th</sup> at 6:00 p.m. was decided on.

A question was asked *by Janice Roy* regarding the salt and sand at the Highway Department and when it would be delivered. Paicos stated that he would check on the delivery. It was also noted by Dave Christianson that the DPW did a great job of paving Dunn Road.

#### VIII. EXECUTIVE SESSION

#### IX. ADJOURNMENT

With no further business to discuss, at 10:05 p.m. Whitney motioned to adjourn and was seconded by Dennehy. Motion carried.

Respectfully submitted,  
Sylvia Turcotte  
Assistant to the Town Administrator